

## REMARKS

This submission is a response to the Office Action dated November 5, 2003. Claims 19-28 are pending in the present application. Claim 29 is withdrawn from prosecution. Claims 20-27 are currently amended. The individual issues raised by the examiner are addressed next in order they appear in the Office Action.

### **Claim Rejection Under 35 U.S.C. § 112, ¶ 2**

First, the Office Action rejected claims 20, 21, 23, 24 and 27 for failing to provide sufficient antecedent basis for the limitation “the magnetizing coils.” Applicant amended these claims to correct the antecedent basis by replacing “the magnetizing coils” with “by means of magnetizing coils” in claims 20, 23 and 27 and “through magnetizing coils” in claims 21 and 24. The use of the term “means of” should not be interpreted as invocation of Section 112 by the applicant. Accordingly, applicant respectfully requests for the rejection to be withdrawn.

Second, the Office Action rejected claim 22 for the insufficient antecedent basis for the limitation “C-dipole tips”. Applicant provided antecedent basis for this limitation by amending claim 22 as follows: “the vertically orientated magnetic field is generated by a C-dipole having tips which face one another, the tips being shaped to produce a required vertically orientated magnetic field pattern.” Accordingly, applicant respectfully requests for the rejection to be withdrawn.

Third, the Office Action rejected claim 25 for the insufficient antecedent basis for the limitation “the tips of upper and lower members”. Applicant provided antecedent basis for this limitation by amending claim 25 as follows: “the vertically orientated magnetic field is generated by a split pair electromagnet having upper and lower members having tips facing one another, the tips being shaped to produce a required vertically oriented magnetic field pattern.” Accordingly, applicant respectfully requests for the rejection to be withdrawn.

Fourth, the Office Action rejected claim 26 for the insufficient antecedent basis for the limitation “the steel core”. Applicant provided antecedent basis for this limitation by amending claim 26 as follows: “the vertically orientated magnetic field is generated by an O-dipole electromagnet having a steel core shaped to produce a required vertically orientated magnetic field pattern.” Accordingly, applicant respectfully requests for the rejection to be withdrawn.

Fifth, the Office Action rejected claims 25 and 26 for the allegedly indefinite

language "magnetic field pattern is achieved by appropriate shaping." The above amendments to claims 25 and 26 eliminate this language and thereby obviate the rejection. Accordingly, applicant respectfully requests for the rejection to be withdrawn.

**Objection to the Specification**

In the Office Action, the "Brief Description of the Drawings" sections was objected to because of several spelling errors. Applicant has amended the brief description of Figures 2, 3, 4 and 5 to correct the identified spelling errors. Accordingly, applicant respectfully requests the Examiner to withdraw the objections and to enter the above amendments to the specification.

**Election/Restriction**

In the Office Action, the Examiner requested withdrawal of claim 29 because it is directed to an invention that is independent or distinct from the invention claimed in claims 19-28. To be fully responsive, applicant provisionally elects claims 19-28 and withdraws claim 29 from consideration. However, applicant submits that even assuming that claims 19-28 and 29 are directed to distinct inventions, to search the subject matter of these claims together would not be a serious burden on the Examiner and respectfully asks the Examiner to examine claim 29 on the merits also. The M.P.E.P. § 803 (Eighth Edition, August 2001) states: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Here, it appears that claims 19-28 and 29 can be searched and examined collectively in the subject application, and without undue burden on the Examiner. Accordingly, applicant respectfully requests for restriction requirement to be withdrawn.

In light of the above, it is respectfully submitted that the present application is in condition for allowance. A favorable disposition is respectfully requested.

Respectfully submitted,

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